



CITY OF EDMONDS

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May 19, 2006

David Peeler
Water Quality Program Manager
Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

RE: Comments on NPDES Phase II Permit Formal Draft

Dear Mr. Peeler:

Thank you for the opportunity to comment on the formal draft of the NPDES Phase II Permit. The City of Edmonds has the following comments to offer.

1. Modify S2.A.1 by deleting "into and" so that it reads "All discharges from municipal separate storm sewers owned or operated by Permittees must be in compliance with this permit." The City should only be held responsible for discharges from the municipal separate storm sewer system and discharges into the municipal separate storm sewer system from properties owned or maintained by the City. The City cannot control discharges into its system from private properties, though we will attempt to eliminate illicit discharges through our illicit discharge detection and elimination system.
2. Modify the last sentence of S5.C.1. to clarify that it is the goal of the public education and outreach efforts to increase regular adoption of the behaviors in the chosen target audiences. This would bring this section in line with S5.C.1.b, which directs Permittees to use evaluations and measurements of the effectiveness of education and outreach program to direct future efforts.
3. The monitoring requirements in S8 will still lead to multiple, disjointed monitoring programs between the various Permittees that will produce data of differing quality, hindering comparison efforts. The City of Edmonds requests that Ecology form a Stormwater Partnership with Phase I and Phase II jurisdictions, environmental groups, other interested stakeholders, and Ecology staff from the Water Quality (NPDES) Program, Environmental Assessment Program, and a policy level staff person that spans internal program divisions. This on-going partnership will be responsible for:
 - Coordinating with the State on a stormwater baseline and trend assessment monitoring strategy at a watershed level that would link and coordinate with salmon recovery and Puget Sound Initiative programs.
 - Developing and replacing existing monitoring language in Phase I and II permits with language that reflects a monitoring program that would provide:

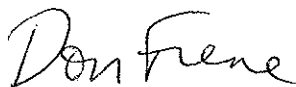
- Meaningful management information for improving BMP selection and making other stormwater management decisions
- Reliable indicators that SWMP actions were making reasonable progress toward desired outcomes
- Coordination and analysis of information across jurisdictions and agencies through the partnership to reduce redundancies, realize efficiencies, and improve transparency

The City of Edmonds requests Ecology to convene the Partnership as soon as possible to allow timely issuance of the NPDES Municipal stormwater permits. The City of Edmonds offers to assist in convening this partnership.

4. Appendix 1, Page 24 requires that mitigated stormwater flows from sites exceeding the regulatory threshold meet a pre-developed condition of old growth forested land cover. Conditions in urbanized areas make this requirement burdensome, if not unattainable, discouraging redevelopment in developed areas. This is counter to the goals of concentrating growth in urban areas under the Growth Management Act. Furthermore, this requirement is not in line with the EPA's definition of pre-development as set for in the December 8, 1999 Federal Register publishing of the Phase II rules, which states: *"Pre-development refers to runoff conditions that exist onsite immediately before the planned development activities occur. Pre-development is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred."* We recommended that this requirement is modified to bring the definition of pre-developed conditions in line with those set forth by the EPA.
5. There are numerous references throughout the permit to the 2005 Stormwater Management Manual for Western Washington. These references, and the lack of approved alternative manuals, makes adoption of the 2005 Stormwater Management Manual for Western Washington a de facto permit requirement. This exceeds the minimum technical requirements of the Clean Water Act. All references in the permit and Appendix 1 to the 2005 Ecology Stormwater Manual, other than the Manual's minimum requirements, thresholds, definitions, adjustment and variance criteria, should be removed. As mentioned above, the requirement that is placed on new development in already urbanized areas, to store runoff and release at old growth forested condition release rates is not in the spirit of the State Growth Management Act. Such onerous requirements will push development away from urban areas to more pristine/undisturbed areas that need to be protected.

Thank you for your consideration of these comments. If you have any questions regarding these comments, please feel free to contact Damon Roth at 425-771-0220.

Sincerely,



DON FIENE, P.E.
Assistant City Engineer

DF/DKR/cmc